



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during July 2015
DISTRIBUTED: August 19, 2015

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Commissioner and Office of the Attorney General (party followed by location):

Oil:

James R. Manning, R.H.C. Realty Trust, and Robert H. Cucurull, Alfred, Maine. James R. Manning ("Manning") and Robert H. Cucurull ("Cucurull") operate an auto salvage, auto sales, and metal recycling business on property owned by Manning and R.H.C. Realty Trust. Manning and Cucurull violated Maine's *Oil Discharge Prevention and Pollution Control* law by discharging oil at the site and violated the *Maine Hazardous Waste, Septage and Solid Waste Management Act* by handling oil and fluids at the site in such a manner that oil and fluids leak, flow, or discharge into or onto the ground. Manning, R.H.C. Realty Trust, and Cucurull also violated Maine's *Oil Discharge Prevention and Pollution Control* law by failing to clean up multiple discharges of oil at the site and failing to reimburse the Department for expenditures to investigate and direct the clean-up of oil discharges at the site. Department inspections revealed multiple discharges of oil and antifreeze in multiple locations at the site. Geographic analysis identified an approximately 49,020 square foot area where soil and surface runoff was visibly contaminated with oil. Department inspections also revealed that cars were prepared for crushing at the site by draining fluids in an outdoor location which was observed to contain free oil, oil-stained soil, and oil sheen on surface water run-off. There were no secondary containment structures observed to capture spilled oil and other fluids at the vehicle preparation area. Laboratory analysis of soil samples from the site confirmed that petroleum was discharged to soil at the site and soil samples contained petroleum in concentrations that exceeded recommended clean-up levels in the Department's *Remediation Guidelines for Petroleum Contaminated Sites in Maine (December 2009)*. Following Department involvement, Manning and Cucurull removed and properly disposed of approximately 436 tons of oil-contaminated soil under Department supervision. To resolve the violations, Manning, R.H.C Realty Trust, and Cucurull agreed to: immediately implement specified work practices; adhere to specified criteria for the storage of oil and hazardous waste removed from automobiles; develop and implement a standard operating procedure for the car crusher that includes management and proper disposal of automobile fluids; and submit a plan to the Department for facility improvements to reduce the risk of prohibited discharges occurring. Manning, R.H.C. Realty Trust, and Cucurull also agreed to reimburse the Department's cleanup costs in the amount of \$12,817.55 and pay \$83,000 as a civil monetary penalty, according to a payment plan, of which \$41,000 of the



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penalty is suspended and will be permanently waived upon validation of compliance with corrective actions required by the Agreement.

District Court Enforcement Resolutions (party followed by location):

Land:

Eastbrook Timber Co., Inc., and McLaughlin's Timber Trucking, Inc., Holden, Maine. Eastbrook Timber Co., Inc. ("Eastbrook") owns a property upon which McLaughlin's Timber Trucking, Inc. ("McLaughlin's") conducted a timber harvest. Eastbrook violated Maine's *Natural Resources Protection Act* by performing or causing to be performed filling, bulldozing, displacing soil or other materials adjacent to a stream without first obtaining a permit from the Department. A Department inspection of the Eastbrook property revealed that Eastbrook had constructed or improved a 150-foot portion of gravel road within 75 feet of an unnamed stream. The Department's inspection revealed that sediment from the road and an adjacent logging yard had eroded into the stream. At the time of the Department's inspection, erosion controls on the road shoulders were inadequate for preventing discharges of sediment to the stream and there were no erosion controls on the adjacent logging yard to prevent discharges of sediment to the stream. McLaughlin's utilized the road and adjacent logging yard during the timber harvest. As the result of the soil discharges to the stream related to Eastbrook's construction or improvement of the road and McLaughlin's use of the road and adjacent logging yard, Eastbrook and McLaughlin's violated Maine's *Protection and Improvement of Waters* law by directly or indirectly discharging or causing to be discharged soil to a water of the State without first obtaining a permit from the Department. To resolve the violations, Eastbrook agreed to submit a plan to the Department to permanently stabilize the road and implement the plan. Eastbrook agreed to pay \$3,983 as a civil monetary penalty for the *Natural Resources Protection Act* violation. Eastbrook agreed to pay \$2,875, and McLaughlin's agreed to pay \$1,500, as a civil monetary penalty for the *Protection and Improvement of Waters* law violation.